

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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In the Matter of)
)
Advanced Television Systems)
and Their Impact upon the)
Existing Television Broadcast)
Service)

MM Docket No. 87-268

Federal Communications Commission
Office of the Secretary

To: The Commission

COMMENTS OF THE COMMUNITY BROADCASTERS ASSOCIATION

1. These comments are filed by the Community Broadcasters Association ("CBA") in response to the Commission's Notice of Proposed Rule Making ("Notice") in the above-referenced proceeding, FCC 91-337, released November 8, 1991. CBA is a trade association representing low power television ("LPTV") stations throughout the nation. The Notice looks toward adopting a structure for allotting channels for advanced television systems ("ATV") when ATV technical standards are adopted.

2. Because the Commission has decided to allot a second channel to each NTSC television station for ATV use, it is apparent that use of the television broadcast spectrum will become more intense when ATV allotments are made. Because LPTV is a secondary service, the Notice remarks that some LPTV stations may have to be displaced to make room for ATV allotments. The Notice says nothing about making channels available for ATV operation by LPTV stations.

3. CBA understands that LPTV is a secondary service. It may be that some LPTV stations will have to be displaced by ATV. Nevertheless, the Commission should recognize that LPTV stations

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provide important locally based services to many small communities and specialized audiences that have no other video service dedicated to their own special needs. Accordingly, the Commission should make every effort to avoid displacing LPTV stations and should minimize any displacement that ultimately turns out to be necessary.^{1/} Provision should also be made for LPTV stations to transmit ATV programming to the extent that spectrum is available to accommodate them.

4. The ATV allotment process will surely be complex. However, based on industry discussions and press reports known to CBA, it appears that accommodating all NTSC full power stations with a separate ATV channel with adequate coverage capability will be difficult in only a few large markets. However difficult the large market problem may be, the United States is a very big country; and in most areas, the spectrum supply will be ample. Where there is sufficient spectrum, ATV channels should be selected to avoid displacing LPTV stations. This is a simple accommodation that the Commission must make to preserve local service that is the bedrock of American broadcasting.

5. If an LPTV station must be displaced, it is critical that the Commission adhere to the proposal in the Notice to continue in effect the present displacement relief rule. This rule states that when an LPTV station that must vacate its channel to accommodate a full power station, an application by the LPTV licensee for a

^{1/} CBA is not arguing that any full power station should be denied an ATV channel to avoid displacing an LPTV station.

construction permit to change channels will be processed as a minor change and may be filed without waiting for a filing window. The displacement application takes priority over applications for new LPTV stations or major changes in existing stations not being displaced. The displacement rule is important to the LPTV industry and serves the public interest by helping avoid the loss of local broadcast service.

6. As indicated above, how serious the displacement problem will be, and whether any community will in the end have to be deprived of local television service, remains to be seen. It is apparent, however, that the problem will not appear all at once but rather will grow and recede during the ATV implementation process, possibly in more than one cycle. Although the Commission may allot ATV channels all at once, not all ATV stations will go on the air at once. ATV applications will be filed over a period of time, construction permits will be issued over another period of time, and stations will be built over a third period of time.^{2/} The Commission should make it clear that if any LPTV stations are displaced, displacement will occur only when an ATV station actually begins operating rather than when an ATV application is filed or a construction permit is granted. That is the same rule that applies to LPTV displacement by NTSC stations today. It maximizes the efficiency of spectrum use by not requiring spectrum to lie fallow prior to the actual commencement of operation by a primary user.

^{2/} The three time periods may overlap, but not entirely.

7. Just as ATV stations will begin operating over a period of time, NTSC stations will eventually begin to shut down. When that happens, more spectrum will become available for LPTV. CBA hopes that this ongoing process of building up ATV and closing down NTSC stations will leave interstices where LPTV stations in congested areas may operate and that in the end, the number of LPTV stations that must actually shut down, if any, will turn out to be minimal.

8. The Commission also must not neglect the needs and desires of LPTV audiences as the television broadcasting service converts to ATV. If an LPTV station wishes to offer an ATV service, it should be permitted to do so, subject to the availability of spectrum on the same secondary basis that NTSC LPTV operation is permitted today. The same priority should be given to operating NTSC LPTV stations that will be given to operating NTSC conventional stations in applying for ATV. During the same period of time that eligibility to apply for ATV allotments is restricted to existing NTSC stations, applications for secondary use of vacant spectrum for ATV LPTV operation should be limited to existing LPTV stations.^{3/} In addition to LPTV stations, television translators provide important local over-the-air service and should be treated the same as LPTV stations.

9. CBA recognizes that the Commission has a long and arduous

^{3/} After the initial protected period expires for existing NTSC full power stations to apply for ATV channels and the Commission is ready to accept ATV applications from the general public, it should allow operating LPTV stations with a track record of service to the public to have priority in applying for any ATV allotments that remain available.

task ahead of it in bringing ATV to fruition. During this process, the ultimate objective must be to maximize service to the public. Attainment of that objective requires recognition of the important service that LPTV stations provide. The fact that LPTV stations occupy spectrum on a secondary basis does not justify ignoring them as television steps into a new technological era.

Respectfully submitted,
COMMUNITY BROADCASTERS ASSOCIATION


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